UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,770	02/28/2000	Shinichi Ito	25484-00796	9467

25224   7590   09/03/2003

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

EXAMINER
WARREN, DAVID S

ART UNIT	PAPER NUMBER
2837	

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- *The MAILING DATE of this communication appears on the cover sh   t with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _30 August 2002_ .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-12_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-12_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☒ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claims 1 – 12 are rejected under 35 U.S.C. 102(b) as being anticipated by

Gruenbaum (5,565,641). Regarding claims 1 and 2, Gruenbaum discloses the use of an

electronic musical instrument (100, col. 6, lines 6 – 9) having a connection terminal

(104, fig. 6) for connection with a keyboard (118) originally designed for use in a

computer (118 of fig. 8; see also fig. 7). Gruenbaum also discloses a first MIDI

connection interface (MIDI In, MIDI Out, and MIDI Card, in fig. 9) and a second

connection interface (138, fig. 9) for connection the computer keyboard to the

instrument (100). Regarding independent claim 2, Gruenbaum also discloses the use of

a "replacing device" wherein any MIDI data input via the keyboard (120) may be edited

(i.e., "replaced") by the computer keyboard (see table bottom of col. 8). Specifically, if

data is entered via keyboard (120), the keyboard (118) may replace that data, e.g.,

transposing or "undoing." Gruenbaum also shows an operation panel (see fig. 6).

Regarding independent claims 3, 5, 9, and 11, the assigning device and execution

device are considered inherent in the Gruenbaum teachings since any keyboard

interfaced with a MIDI instrument will both assign a function (e.g., transpose, undo,

repeat, etc.) and then execute that function. Regarding claims 4, 6, 10, and 12,

Gruenbaum discloses the use of a display device (114, fig. 6) and an assignment device

that assigns characters, symbols, or numerical values (i.e., key signatures, sharps, flats, current scale, note value, etc. – see col. 6, lines 43 – 45). It can reasonably be assumed that assigned and/or executable keyboard functions will be displayed (i.e., this feature is inherent) – to corroborate this assumption, see col. 14, paragraphs under "DISPLAY MODES." Regarding claim 7, all connections and interfaces have been discussed supra. The examiner considers the instrument (100) to be "dedicated" – which is as defined by applicant in paper number 19 (August 30, 2002). Regarding claim 8, as noted above, Gruenbaum shows the use of a dedicated musical instrument (100, col. 6, lines 6 – 9; "dedicated" is as defined by applicant), an operation panel (front of 100, fig. 6), a connection for a computer-type keyboard (104, fig. 6), a connection interface (138, fig. 9), and a replacing device (see the computer keyboard of Gruenbaum can replace any data already stored within the instrument or input via the keyboard 120).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to DeLaTorre (5088378) and Moreno (6351225) both show the use of controlling a dedicated musical instument via a computer-type keyboard.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David S. Warren whose telephone number is 703-308-5234. The examiner can normally be reached on M-F, 9:30 A.M. to 6:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert Nappi can be reached on 703-308-3370. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-746-9529

for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

0956.

dsw
August 21, 2003
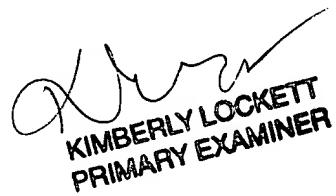
KIMBERLY LOCKETT
PRIMARY EXAMINER